

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

April 14, 2015

To: Mr. Mark S. Kent, GDC1114773, Burruss Correctional Training Center, Post Office  
Box 5849, Forsyth, Georgia 31029

Case Number: \_\_\_\_\_ Lower Court: \_\_\_\_\_ County Superior Court

Court of Appeals Case Number and Style: \_\_\_\_\_

Your document(s) is (are) being returned for the following reason(s).

- ☒ **There is no case pending in the Court of Appeals of Georgia under your name.**
- ☐ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- ☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- ☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- ☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- ☐ **Your appeal was disposed by opinion (order) on \_\_\_\_\_.** The Court of Appeals \_\_\_\_\_ The remittitur issued on \_\_\_\_\_ divesting this Court of jurisdiction. The case decision is therefore final.
- ☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the \_\_\_\_\_ is: \_\_\_\_\_
- ☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- ☒ **If you have any complaints regarding your attorney representation, you should address that issue(s) to the trial court.**

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4-9-15

Mr. Castles,

My name is Mark S. Kent 1114773 and I'm writing to you hoping that you can give me some guidance in what to do about my substitute attorney Long D. Vo, D.P.D.S.C. Appellate Division, 104 Marietta Street, Suite 600 Atlanta, Georgia 30303.

I wrote to Mr. Long D. Vo. (copy enclosed) on 2-22-15 after speaking to him on the phone 2 times to ascertain what errors that he was going to put in my brief and what I wanted in the brief. Our agreement was for him to draw up a rough draft for my approval and for him to explain to me in writing why he couldn't use something that I suggested. I called him on 3-31-15 and he informed me that he filed the brief the day before without my consent.

My main concern is whether the Court will see a particular statement made by the alleged victim stating on 6-8-2012 that I was good to her and helped her. I had sent a copy of that statement that was in a Adult Protection Services report and other documents, with a letter to the trial Judge. You have a copy of all that in my appellate index (#13) in the original record A14A0625.

Is it possible for you to be sure that the Court sees all those documents?

I firmly believe that if that statement would have been brought up at trial, then I would not be here now.

I had showed it to my trial attorney, and he read it, smiles and sets it down and forgets about it. Then my original appellate attorney never put it in the motion for new trial as new evidence. Now this substitute appellate attorney takes it upon himself, even though he hasn't gotten the records that I have, and fills the brief without my consent.

What can I do?

Tell me if I'm wrong. Doesn't all the errors have to be in my brief or they will be considered abandoned?

Will you please see what I can do about this situation and let me know as soon as possible?

Thank you in advance for your time.

Sincerely,  
Mark S Kent

P.S. Would you please send me a copy of the Rules of the Court of Appeals of Georgia?

2-22-15

Mr. Long D. Uo

Hello! How are you doing? I indeed hope!  
I received your letter from 2-9-15 on the  
8th. so I'm just now getting motivated.  
Between this place and the mail system,  
it takes so long to receive mail so if you  
over need an answer to something in a hurry  
you would be better off calling here and  
setting up a phone conference. I wrote a  
request asking for your number to be put  
on my phone list but I don't know if they will or  
how long it will take to get it done.

Here are some of the things that I have  
found that will boost my I.A.C. claim.

① On 12-31-12 Jamie Wyatt told me that once  
he filed the Notice of Alibi, that the DA might  
drop the charges since I was in jail during  
the indicted time period. He never filed it.

② Jamie Wyatt never investigated or talked  
to anybody after Ashley Petty gave me the  
discovery on Friday 1-11-2013. We went to  
trial Monday 1-14-2013.

③ Jamie Wyatt never said anything about  
me not being identified by Betty Arres at  
trial.

④ Jamie Wyatt never impeached Betty Arres  
about her statement to Cathy Ward of the  
Adult Protection Services stating that I  
had helped her and was good to her.

⑤ Jamie Wyatt never impeached Thelma  
Riddle after she testified that I was not  
at their house after her and I getting

into the argument and Thelma Riddle  
Smacking me on 7-18-22. She testified that  
the police were called because I tried to  
rape her. The incident detail sheet from  
that day says otherwise.

⑥ Jamie Wyatt never impeached Betty  
Arres or Thelma Riddle about the original  
police report saying I was there 7-21-12,  
after saying I was there after 7-18-12.

⑦ Jamie Wyatt elicited some damaging  
hearsay evidence from Detective Sperling.

⑧ Jamie Wyatt never objected to Janna  
Allen questioning Detective Sperling about  
Betty Arres' health.

⑨ Jamie Wyatt should have filed a motion  
to have Betty Arres tested for her being  
incompetent because of actions in her  
disc interview.

⑩ Jamie Wyatt never talked to me about  
possibly paying me that I could receive.

⑪ Jamie Wyatt never once during trial  
talked to me about anything.  
I hope that from your professional  
view, that you will be looking at other  
legal violations that I don't see. These  
are just some things that will help prove  
the F.A.C. claim.

After going over the transcripts and  
thinking about what has been said  
and done, I also believe that we can  
prove Judge Nelson was biased and  
acted unprofessionally.

① Judge Nelson refused Ashley Pottys request for a continuance so I could supposedly get a haircut. He ordered a deputy to take me back to the jail and cut my hair.

② According to Barland V. State, Judge Nelson should have stopped the proceedings the first time that I was in court on 1-14-13 and told him that I needed an attorney.

③ According to the Rules of Court Annotated it is the defense responsibility to prove the alleged victims sanity. Brown V. State. He refused my request to have Betty Arnes evaluated.

④ Judge Nelson abused his discretion when I asked him for a continuance so Jamie Wyatt could prepare the case for trial. Judge Nelson said "We will go to trial today."

⑤ Judge Nelson refused me a bond, yet Judge Howell gave me one later.

⑥ Judge Nelson refused Juries request to see the police report.

⑦ Judge Nelson denied the motion for New Trial even though it was pretty much proven by law that Jamie Wyatt was F.A.C.. Jamie Wyatt even admitted that his questioning of Detective Sperling was detrimental to my defense.

⑧ Judge Nelson never allowed me to be part of any other proceedings

if there was any. And then at sentencing  
he told the deputies to get me out of there.  
After stopping Judge Nelson in his  
speech about my right to appeal, I  
stopped him and said that I wanted  
I appealed on the grounds of I.A.C. then  
James Wyatt said that he already filed  
a Motion for new trial then I told James  
Wyatt that that Motion took too long and  
that before I get a new trial that I  
needed an attorney. Judge Nelson had  
that omitted from the transcripts along  
with James Allen telling Betty Arnes  
to "look at that man up there". Judge  
I was 8-10 feet from her and she was  
looking for me.

There is a lot of things I would like to  
go over with you or a paralegal before  
you do any type of filing. So please  
try to make the arrangements to see  
me.

I know that you're a busy man so  
I'm going to go for now and I will  
be waiting to hear from you.

Sincerely,  
Mark S. Kent